IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 22907 of 2004

Between:

M/s. Sri Venkateshwara Scales Plot No.47,

Vinayakanagar, Balanagar, Hyderabad
rep by Managing Partner, Sri S.V. Koteshwar Rao

..... PETITIONER

AND

The Regional Manager,

Central Warehousing Corporation,

Warehousing Sadan,
Behind Gandhi Bhavan, Nampally, Hyderabad

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ essentially in the nature of mandamus or any other appropriate Writ or order direction declaring the action of the respondent herein pending consideration of the earlier tender notification No. TQC/HYD/Weighing Equipmemnt-Amc/03-04 dt 7-1-2004 again who issuing the tender notification dt 17-11-2004 for to take up annual maintenance of weighing equipment available at central warehouses in Andhra Pradesh for a period of Two years as illegal, arbitrary, unconstitutional and against the principles of natural justice and pass such other and further orders

Counsel for the Petitioner: MR.P.RAJAGOPAL REDDY

Counsel for the Respondent: MR.G.RAMACHANDRA RAO FOR RVAK.

This Court, at the admission stage, made the following:

THE HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION NO : 22907 of 2004

ORDER:

Challenging the tender notification dated 17-11-2004, issued by the respondent, the present writ petition is filed.

2. It is the case of the petitioner that earlier on 07-01-2004, a tender notification was issued by the respondent for undertaking the contract works. Without finalizing the tenders in pursuance of the notification dated 07-01-2004, issuance of the second notification dated 17-11-2004 by the respondent for the same contract work, is bad under law and therefore, he beseeched the Court to set aside the same.

3. A counter affidavit has been filed by the respondent stating that the earlier tender notification dated 07-01-2004 was cancelled for the reasons that the petitioner has not given revised offer on some conditions, therefore, it is necessitated for the respondent to go for the second notification.

4. During the course of arguments, the learned counsel for the petitioner submits that the petitioner is only interested with regard to the refund of the Earnest Money Deposit that was deposited with the respondent in pursuance of the earlier notification dated 07-01-2004, hence, the same shall have to be considered by the respondent.

5 . Recording the submission made by the counsel for the petitioner, without entering into the merits, I consider it appropriate to dispose of the writ petitioner with some direction.

6. Accordingly, the writ petition is disposed of, directing the petitioner to submit an application to the respondent for refund of the Earnest Money Deposit amount within two weeks' time from today and there after the same

shall have to be considered by the respondent in accordance with law.

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February 10, 2005

Kvr

To

1. The Regional Manager,

Central Warehousing Corporation,

Warehousing Sadan,
Behind Gandhi Bhavan, Nampally, Hyderabad

2. 2 C.D copies.